

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

APR 25 2011

OPHELIA DE'LONTA,  
Plaintiff,

Civil Action No. 7:11-cv-00136

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

v.

MEMORANDUM OPINION

GENE JOHNSON, et al.,  
Defendants.

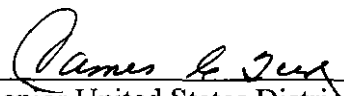
By: Hon. James C. Turk  
Senior United States District Judge

By Order entered April 4, 2011, the court assessed a \$350.00 filing fee and granted plaintiff fifteen days from the date of the Order to forward to the court a statement of her assets and a report regarding her trust account for the six months prior to February 2011, signed by each appropriate prison official where plaintiff was confined during that time, so the court could determine a payment schedule. Plaintiff was advised that failure to return the required paperwork would result in dismissal of this action without prejudice.

Plaintiff filed certified inmate account reports from only one of the facilities in which plaintiff was incarcerated during the six-month period before she filed the complaint. Therefore, plaintiff did not comply with the conditional filing order, despite the warning that her action may be dismissed without prejudice for noncompliance, and the court cannot determine the appropriate filing fee assessment, pursuant to 28 U.S.C. § 1915(a). Accordingly, this action must be dismissed without prejudice for plaintiff's failure to comply. Plaintiff may refile her claims in a new and separate action at the time she can pay the \$350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this order to plaintiff.

ENTER: This 25<sup>th</sup> day of April, 2011.

  
Senior United States District Judge